

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

2005 JUL 13 AM 9:39

CLERK  
SO. DIST. OF GA.  
*J. Jay*

RICHARD A. RUDOLPH, JR.

Petitioner,

v.

WILLIAM SMITH, Sheriff, and  
JAMES DONALD, Commissioner,  
Georgia Department of Corrections,

Respondents.

CIVIL ACTION NO.: CV205-050

ORDER

Commissioner James Donald of the Georgia Department of Corrections has filed a Motion to Dismiss this petition as unexhausted. (Doc. 21.) The Court granted a similar motion filed by Sheriff William Smith and dismissed this case by Order dated June 24, 2005, because Petitioner had not exhausted his available state remedies. This case was closed that date. Accordingly, Commissioner's Donald's motion is **DISMISSED** as moot. Petitioner's motion for appointment of counsel (Doc. 20) is also **dismissed**.

SO ORDERED, this 13<sup>th</sup> day of July, 2005.

  
JAMES E. GRAHAM

UNITED STATES MAGISTRATE JUDGE

**United States District Court**  
***Southern District of Georgia***

RUDOLPH  
\_\_\_\_\_ )

vs )

SMITH, ET AL  
\_\_\_\_\_ )

CASE NUMBER CV205-50

DIVISION BRUNSWICK

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated 7/13/05, which is part of the official record of this case.

Date of Mailing: 7/13/05

Date of Certificate ☒ same date, or \_\_\_\_\_

Scott L. Poff, Clerk

By: \_\_\_\_\_

Sherry Taylor, Deputy Clerk

Name and Address

Jason Fisher

Brent Green

Richard Rudolph, Jr., GDC1145064/BC573348, Baldwin State Prison, P.O. Box 218, Hardwick, GA 31034

- ☐ Copy placed in Minutes  
☐ Copy given to Judge  
☒ Copy given to Magistrate